



FEDERAL ELECTION COMMISSION  
Washington DC 20463

11092653227

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 221

DATE SCANNED 5/18/11

SCANNER NO. 2

SCAN OPERATOR EE5



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 10, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER  
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *DC for PC*  
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: *nm* NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *DP* *iw*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 OCTOBER  
QUARTERLY REPORT (ELECTION SENSITIVE) FOR THE  
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2010.

Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached report.

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### **Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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12/10/2010 3:30 PM

Federal Election Commission  
Reason to Believe Circulation Report  
2010 OCTOBER QUARTERLY Election Sensitive 10/15/2010 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2211	C00165385	WACKENHUT CORPORATION POLITICAL ACTION COMM (WACKENHUT PAC)		JEFF CAPPELLETTI	\$115,931	0	10/22/2010	7	\$21,002	\$220

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2010 )  
October Quarterly Report (Election )  
Sensitive) For the Administrative Fine )  
Program: )

WACKENHUT CORPORATION ) AF# 2211  
POLITICAL ACTION COMM )  
(WACKENHUT PAC), and JEFF )  
CAPPELLETTI as treasurer; )

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 October Quarterly Report (Election Sensitive) For the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 10, 2010, on the following committees:

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AF#2211 Decided by a vote of 6-0 to: (1) find reason to believe that WACKENHUT CORPORATION POLITICAL ACTION COMM (WACKENHUT PAC), and JEFF CAPPELLETTI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission  
Certification for Administrative Fines  
December 15, 2010

Page 4

11092653234

Attest:

December 17, 2010  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 21, 2010

Jeff Cappelletti, in official capacity as Treasurer  
Wackenhut Corporation Political Action Comm (Wackenhut PAC)  
4200 Wackenhut Drive #100  
Palm Beach Gardens, FL 33410

C00165365  
AF#: 2211

Dear Mr. Cappelletti:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year during which there is a regularly scheduled election. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on October 22, 2010, 7 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 15, 2010, the FEC found that there is reason to believe ("RTB") that Wackenhut Corporation Political Action Comm (Wackenhut PAC) and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15th.

Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$220. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$220 is due within forty (40) days of the finding, or by January 24, 2011, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$21,002  
Number of Days Late: 7  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, Attachment 2

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 24, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Wackenhut Corporation Political Action Comm (Wackenhut PAC) and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Vice Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$220 for the 2010 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by January 24, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Wackenhut Corporation Political Action Comm (Wackenhut PAC)

FEC ID#: C00165365

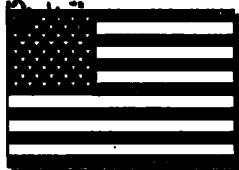
AF#: 2211

PAYMENT DUE DATE: January 24, 2011

PAYMENT AMOUNT DUE: \$220

**FEC OFFICE OF  
ADMIN REVIEW**

2011 JAN 25 P



**WAC-PAC**

**Wackenhut Political Action Committee  
4200 Wackenhut Drive #100  
Palm Beach Gardens, FL 33410**

Federal Election Commission  
Attn: Office of Administrative Review  
999 E Street NW  
Washington, DC 20463

Committee ID # C00165365  
AF#: 2211

January 11, 2011

Dear FEC –

I am in receipt of your letter dated December 21<sup>st</sup> regarding our PAC's penalty for late filing.

We do not deny the report was filed late. However, I feel there were extenuating circumstances. The reason for the late filing was due to a software problem. I did a (required) upgrade to FECFILE and a problem developed.

To be candid - I did the upgrade a week or two before the report filing and then on the morning of the filing deadline I entered the data and tried to upload the report. The process failed and I immediately called FEC technical support on the filing deadline date. I called two or three times during the day. It took FEC tech support several working days to call back. Tech supported fixed the problem and I immediately filed the report. In fact, all filings since this filing have been filed timely – including year end report.

I ask that you waive this penalty this one time as an accommodation.

Please feel free to contact me regarding this issue at 561 691 6419

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Cappelletti'.

Jeff Cappelletti  
Treasurer

11092653239



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

January 26, 2011

Jeff Cappelletti, in his official capacity as Treasurer  
Wackenhut Corporation Political Action Comm  
(Wackenhut PAC)  
4200 Wackenhut Drive #100  
Palm Beach Gardens, FL 33410

C00165365  
AF# 2211

Dear Treasurer:

On January 25, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

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**FEC OFFICE OF  
ADMIN REVIEW**

**2011 JAN 26 A 9 51**

**Date: January 25, 2011**

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2211**

**Committee Name: Wackenhut Corporation Political Action Comm (Wackenhut PAC)**

**Committee ID#: C00165365**

**Committee Address (if different than in RTB letter): N/A**

**Treasurer Name (if different than in RTB finding): N/A**

**Attachments:**

**Copy of RTB Circulation Report, dated December 10, 2010 and RTB  
Certification, dated December 15, 2010 (Y/N): N**

**Attachment #: N/A**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 1**

**Telecoms and Visitcoms in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2010 October Quarterly Report Prior Notice, dated September 21, 2010.**

**-RTB Letter, dated December 21, 2010.**

**Attachment #: 2**

**Other RAD Information: (Y/N): Y**

**Attachment#: N/A**

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## Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number:** 1ZWF5860A295798749  
**Service:** NEXT DAY AIR  
**Special Instructions:** ADULT SIGNATURE REQUIRED  
**Shipped/Billed On:** 12/22/2010  
**Delivered On:** 12/23/2010 11:10 A.M.  
**Delivered To:** WEST PALM BEACH, FL, US  
**Signed By:** ED

**Location:** FRONT DESK

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 12/28/2010 4:47 P.M. ET

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Attachment 1



## DECLARATION OF JODI WINSHIP

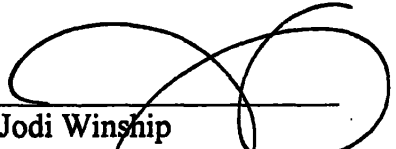
1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Wackenhut Corporation Political Action Comm (Wackenhut PAC):

A) On September 21, 2010, Prior Notice referencing the October Quarterly Report was sent to committees registered with the FEC. The Prior Notice was also available on the FEC web site beginning on that date. Since Wackenhut Corporation Political Action Comm (Wackenhut PAC) did not provide a current email address to the FEC on their Statement of Organization (FEC Form 1), they did not receive an electronic copy of the Prior Notice via email on September 21, 2010;

B) Reason-to-Believe Letter, dated December 21, 2010 referencing the 2010 October Quarterly Report.

I hereby certify that I have searched the Commission's public records and find that Wackenhut Corporation Political Action Comm (Wackenhut PAC) filed the 2010 October Quarterly Report with the Commission on October 22, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 25<sup>th</sup> day of January, 2011.

  
Jodi Winship  
Acting Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



# OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES  
PARTIES AND PACS

September 21, 2010

## CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS <sup>1</sup>	OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	09/30/10	10/15/10	10/15/10

## REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	CLOSE OF BOOKS <sup>1</sup>	OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General <sup>2</sup>	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

<sup>1</sup>A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup>Parties and PACs: required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

## 2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

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<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 32 [PDF].

## PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election — even if unopposed — must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The *Record*: January 2010 issue [PDF]
- *Candidate Guide*, pp. 79-80 [PDF]

## 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
  - Senate campaigns (Secretary of the Senate): (202) 224-1851
  - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: *Candidate Guide*, p. 80 [PDF]

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- *Candidate Guide*, p. 7 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup>

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- *Candidate Guide*, pp. 81-82 [PDF]

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

### DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

### 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

### IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

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<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

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**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**

## 2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2010. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

#### Paper Filing – Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

### PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

### 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]
- Campaign Guide: Party, pp. 143-149 [PDF]

## CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

## 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: 48- and 24-hour periods for independent expenditures for 2010 elections
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
SECRETARY  
2011 MAR 22 P 1:47

March 21, 2011

**MEMORANDUM**

**SENSITIVE**

To: The Commission

Through: Alec Palmer *for [signature]*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2211 – Wackenhut Corporation  
Political Action Comm (Wackenhut PAC) and Jeff Cappelletti, in his  
official capacity as Treasurer (C00165365)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092653250





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 21, 2011

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2211 – Wackenhut Corporation Political Action Comm (Wackenhut PAC) and Jeff Cappelletti, in his official capacity as Treasurer (C00165365)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$220 civil money penalty.

**Reason-to-Believe Background**

On December 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report and made a preliminary determination that the civil money penalty was \$220 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on December 21, 2010 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5 (e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On January 25, 2011, the Commission received the written response ("challenge") from the Treasurer, requesting that the Commission waive the penalty as an accommodation. The report was filed late due to a software problem that developed after a required FECFile upgrade. The upgrade was completed a week or two before the report was due and on the morning of the deadline, the upload process failed when attempting to file the report. The Treasurer called technical support two or three times but did not receive a call back for several working days. Once technical support fixed the problem, the report was immediately filed, and all subsequent reports have been filed timely.

**Analysis**

The October Quarterly Report was filed on October 22, 2010, seven days late.

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Commission records concur that the Treasurer called the EFO on Friday, October 15. The Commission's Information Technology Division ("ITD") Manager notes that the EFO makes its best effort to answer technical support calls in real-time, however, during peak filing periods such as that of the October 15 October Quarterly Report due date, delays are normal. Although the challenge asserts that it took the EFO several working days to return the Treasurer's call, Commission records show that a return call was made to the Treasurer on the next business day, Monday, October 18.

During the October 18 conversation with the EFO, the Treasurer indicated that he needed assistance importing data into FECFile. The EFO advised him to email his import file to the EFO, which he did. On October 19, the Treasurer explained to the EFO the steps he took to import his data into FECFile, and the EFO then instructed him on how to convert his file into the proper format, after which he was able to successfully import his data. According to the ITD Manager, the import issue encountered by the respondents was not a malfunction of the FECFile software, but rather a process the respondents needed to complete in order to properly format their data for import into the FECFile software from another source such as accounting software. Although the challenge contends that the respondents immediately filed the report after receiving this assistance, Commission records show that the report was filed three days later, on October 22.

The challenge states that on the October 15 filing deadline, the Treasurer entered the report's data and attempted to upload the report, however, given the assistance he requested with importing data needed to file the report, it appears that the report was not ready to be uploaded on the due date, as is asserted in the challenge. Additionally, the challenge contends that the Treasurer performed a required FECFile software upgrade a week or two before the October 15 deadline, however, EFO records indicate that he downloaded the software on October 19, the same day the EFO assisted him with importing his data. Therefore, it could not have been a software problem, that occurred as a result of the October 19 software download, that prevented the respondents from timely filing the report on the October 15 deadline, as is asserted in the challenge. The ITD Manager confirms that there were no problems with the FECFile software that would have prevented the respondents from filing the October Quarterly Report.

A committee's failure to use filing software properly is included at 11 C.F.R. § 111.35(d) as an example of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$220.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2211 involving Wackenhut Corporation Political Action Comm and Jeff Cappelletti, in his official capacity as Treasurer, in making the final determination;

- (2) Make a final determination in AF# 2204 that Wackenhut Corporation Political Action Comm and Jeff Cappelletti, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$220; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

**Attachments**

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

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**DECLARATION OF DAYNA C. BROWN**

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 October Quarterly Report is due October 15, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on October 15 to be timely filed.
3. It is the practice of the Electronic Filing Office to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/electfil/electron.shtml> for the use of committees and treasurers who are electronic filers.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of Page 1 of the Summary Page, and Pages 3 and 4 of the Detailed Summary Page for the 2010 October Quarterly Report electronically filed by Wackenhut Corporation Political Action Comm (Wackenhut PAC) and Jeff Cappelletti, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through September 30, 2010, and was received on October 22, 2010. Line 20, Column A lists \$11,502.06 in total receipts for this period. Line 32, Column A lists \$9,500.00 in total disbursements for this period.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 21<sup>st</sup> of March, 2011.



Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

11092653254

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)USE FEC MAILING LABEL  
OR TYPE OR PRINTExample: If typing, type  
over the lines

The Wackenhut Political Action Committee

ADDRESS (number and street)

4200 Wackenhut Drive

Check if different  
than previously  
reported. (ACC)

Palm Beach Gardens

FL

33410

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00165365

3. IS THIS  
REPORT

X

NEW  
(N) ORAMENDED  
(A)4. TYPE OF REPORT  
(Choose One)(b) Monthly  
Report  
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

(a) Quarterly Reports:

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

April 15  
Quarterly Report(Q1)July 15  
Quarterly Report(Q2)X October 15  
Quarterly Report(Q3)January 31  
Quarterly Report(YE)July 31 Mid-Year  
Report(Non-election  
Year Only) (MY)Termination Report  
(TER)(c) 12-Day  
PRE-Election  
Report for the:

Primary (12P)

Convention (12C)

General (12G)

Special (12S)

Runoff (12R)

Election on

in the  
State of(d) 30-Day  
Post-Election  
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period

07

01

2010

through

09

30

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jeff Cappelletti

Signature of Treasurer

Electronically Filed by Jeff Cappelletti

Date

10

15

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3X**  
(Rev. 12/2004)

# DETAILED SUMMARY PAGE OF RECEIPTS

FEC Form 3X (Rev. 06/2004)

3 / 13

Write or Type Committee Name

The Wackenhut Political Action Committee

Report Covering the Period: From: <sup>M</sup>0 <sup>M</sup>7 <sup>D</sup>0 <sup>D</sup>1 <sup>Y</sup>2 <sup>Y</sup>0 <sup>W</sup>1 <sup>Y</sup>0 To: <sup>M</sup>0 <sup>M</sup>9 <sup>D</sup>3 <sup>D</sup>0 <sup>Y</sup>2 <sup>Y</sup>0 <sup>W</sup>1 <sup>Y</sup>0

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees	7406.47	17635.94
(i) Itemized (use Schedule A) .....		
(ii) Unitemized .....	4095.59	11971.34
(iii) TOTAL (add Lines 11(a)(i) and (ii) ..... ➤	11502.06	29607.28
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b) and (c)) (Carry Totals to Line 33, page 5) ..... ➤	11502.06	29607.28
12. Transfers From Affiliated/Other Party Committees .....	0.00	0.00
13. All Loans Received .....	0.00	0.00
14. Loan Repayments Received .....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5) .....	0.00	0.00
16. Refunds of Contributions Made to Federal candidates and Other Political Committees .....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.) .....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3) .....	0.00	0.00
(b) Levin Funds (from Schedule H5) .....	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b)).	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)) .....	11502.06	29607.28
20. Total Federal Receipts (subtract Line 18(c) from Line 19) .....	11502.06	29607.28

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**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3X (Rev. 02/2003)

4 / 13

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Shared Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share.....	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures.....	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (ii) and (b))..... ➤	0.00	0.00
22. Transfers to Affiliated Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	9500.00	33000.00
24. Independent Expenditure (use Schedule E).....	0.00	0.00
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))..... ➤	0.00	0.00
29. Other Disbursements.....	0.00	0.00
30. Federal Election Activity (2 U.S.C 431(20))		
(a) Shared Federal Election Activity (from Schedule H6)		
(i) Federal Share.....	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds.....	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	9500.00	33000.00
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	9500.00	33000.00

11092653257



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 23, 2011

Jeff Cappelletti, in his official capacity as Treasurer  
Wackenhut Corporation Political Action Comm (Wackenhut PAC)  
4200 Wackenhut Drive #100  
Palm Beach Gardens, FL 33410

C00165365  
AF# 2211

Dear Mr. Cappelletti:

On December 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Wackenhut Corporation Political Action Comm (Wackenhut PAC) and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$220 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment

11092653258





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 APR -8 P 2:32

April 8, 2011

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2211 – The Wackenhut Political Action Committee and Jeffrey Cappelletti, in his official capacity as Treasurer (C00165365)

On December 15, 2010, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report and also made a preliminary determination that the civil money penalty was \$220 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 25, 2011, the Office of Administrative Review received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated March 21, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$220 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

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#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2211 involving The Wackenhut Political Action Committee<sup>1</sup> and Jeffrey Cappelletti, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2211 that The Wackenhut Political Action Committee and Jeffrey Cappelletti, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$220; and
- (3) Send the appropriate letter.

---

<sup>1</sup> On March 24, 2011, the respondents filed an Amended Statement of Organization changing their name from Wackenhut Corporation Political Action Comm (Wackenhut PAC), as was named in the RTB finding, to The Wackenhut Political Action Committee.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation – ) AF 2211  
The Wackenhut Political Action )  
Committee and Jeffrey Cappelletti, in his )  
official capacity as Treasurer )  
(C00165365)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 20, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2211:

1. Adopt the Reviewing Officer recommendation for AF 2211 involving The Wackenhut Political Action Committee and Jeffrey Cappelletti, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF 2211 that The Wackenhut Political Action Committee and Jeffrey Cappelletti, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$220.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 21, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

11092653261



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 28, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jeffrey Cappelletti, in his official capacity as Treasurer  
The Wackenhut Political Action Committee  
4200 Wackenhut Drive  
Palm Beach Gardens, FL 33410

C00165365  
AF# 2211

Dear Mr. Cappelletti:

On December 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that The Wackenhut Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. By letter dated December 21, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$220 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 25, 2011, the Office of Administrative Review received the written response from you challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that The Wackenhut Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$220 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 23, 2011.

On April 20, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that The Wackenhut Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$220. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination memorandum is attached.

On April 25, 2011, the Commission received your \$220 payment.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

11092653262

determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

Attachment

11092653263

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000022000 BA# 2 04-22-11 20 4



G4S Secure Solutions (USA) Inc.  
1395 University Blvd.  
Jupiter, FL 33458

Bank of America, N.A.  
Atlanta, DeKalb County, Georgia

64328  
611

CHECK# 00484180

Date Apr/14/2011

Pay Amount 220.00\*\*\*

Pay

\*\*\*\*TWO HUNDRED TWENTY AND XX / 100 DOLLAR\*\*\*\*

To The  
Order Of

FEDERAL ELECTION COMMISSION  
999 E STREET NW  
WASHINGTON, DC 20463

AUTHORIZED SIGNATURE FOR AMOUNTS EXCEEDING \$30,000.00

AUTHORIZED SIGNATURE



11092653264

us**bancorp.**  
The Bancorp. Company



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2211

DATE SCANNED

5/18/11

SCANNER NO.

2

SCAN OPERATOR

EES

11092653265